

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia

2008 MAR 31 PM 2:32

United States of America

v.

Cornelius Smith

Date of Previous Judgment: January 13, 2003

(Use Date of Last Amended Judgment if Applicable)

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Case No: CR602-00008-001USM No: 11081-021William McWhorter, Jr.

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 200 months is reduced to 160 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 235 to 293 monthsAmended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated January 13, 2003, shall remain in effect.

IT IS SO ORDERED.

Order Date: March 31, 2008

Effective Date: _____
(if different from order date)

Judge's signature

John F. Nangle
Judge, U. S. District Court
Southern District of Georgia

Printed name and title